

1 AN ACT in relation to unemployment insurance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unemployment Insurance Act is amended by
5 changing Section 604 as follows:

6 (820 ILCS 405/604) (from Ch. 48, par. 434)

7 Sec. 604. Labor dispute. An individual shall be ineligible
8 for benefits for any week with respect to which it is found
9 that his total or partial unemployment is due to a stoppage of
10 work which exists because of a labor dispute at the factory,
11 establishment, or other premises at which he is or was last
12 employed. The term "labor dispute" does not include an
13 individual's refusal to work because of his employer's failure
14 to pay accrued earned wages within 10 working days from the
15 date due, or to pay any other uncontested accrued obligation
16 arising out of his employment within 10 working days from the
17 date due.

18 For the purpose of disqualification under this Section the
19 term "labor dispute" does not include a lockout by an employer,
20 and no individual shall be denied benefits by reason of a
21 lockout, provided that no individual shall be eligible for
22 benefits during a lockout who is ineligible for benefits under
23 another Section of this Act, and provided further that no
24 individual locked out by an employer shall be eligible for
25 benefits for any week during which (1) ~~the employer refuses to~~
26 ~~meet under reasonable conditions with the~~ recognized or
27 certified collective bargaining representative of the locked
28 out employees refuses to meet under reasonable conditions with
29 the employer to discuss the issues giving rise to the lockout
30 or (2) there is a final adjudication under the National Labor
31 Relations Act that during the period of the lockout the
32 ~~employer has refused to bargain in good faith with the~~

1 recognized or certified collective bargaining representative
2 of the locked-out employees has refused to bargain in good
3 faith with the employer over issues giving rise to the lockout,
4 or (3) the lockout has resulted as a direct consequence of a
5 violation by the recognized or certified collective bargaining
6 representative of the locked out employees of ~~violates~~ the
7 provisions of an existing collective bargaining agreement. An
8 individual's total or partial unemployment resulting from any
9 reduction in operations or reduction of force or layoff of
10 employees by an employer made in the course of or in
11 anticipation of collective bargaining negotiations between a
12 labor organization and such employer, is not due to a stoppage
13 of work which exists because of a labor dispute until the date
14 of actual commencement of a strike or lockout.

15 This Section shall not apply if it is shown that (A) the
16 individual is not participating in or financing or directly
17 interested in the labor dispute which caused the stoppage of
18 work and (B) he does not belong to a grade or class of workers
19 of which immediately before the commencement of the stoppage
20 there were members employed at the premises at which the
21 stoppage occurs, any of whom are participating in or financing
22 or directly interested in the dispute; provided, that a lockout
23 by the employer or an individual's failure to cross a picket
24 line at such factory, establishment, or other premises shall
25 not, in itself, be deemed to be participation by him in the
26 labor dispute. If in any case, separate branches of work which
27 are commonly conducted as separate businesses in separate
28 premises are conducted in separate departments of the same
29 premises, each such department shall, for the purpose of this
30 Section, be deemed to be a separate factory, establishment, or
31 other premises.

32 Whenever any claim involves the provisions of this Section,
33 the claims adjudicator referred to in Section 702 shall make a
34 separate determination as to the eligibility or ineligibility
35 of the claimant with respect to the provisions of this Section.
36 This separate determination may be appealed to the Director in

- 1 the manner prescribed by Section 800.
- 2 (Source: P.A. 85-956.)